



THEODORE J. FOLKMAN
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February 9, 2012

BY CERTIFIED MAIL
RETURN RECEIPT REQUESTED

U.S. Immigration and Customs Enforcement
FOIA Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009

re: Freedom of Information Act Request

Dear Sir or Madam:

I represent Fr. Paul E. Carrier, S.J. This letter is a request under the Freedom of Information Act, 5 U.S.C. § 552.

I request that you provide me with copies of the following records:

1. All reports, correspondence, memoranda, notes, emails, or other records concerning statements made by the victims in *United States v. Perlitz*, Crim. A. No. 09-CR-207 (D. Conn.) prior to December 23, 2010, including but not limited to statements concerning the victims' assertions that they were sexually abused by Douglas Perlitz or statements concerning Father Paul E. Carrier, S.J.
2. All reports, correspondence, memoranda, notes, emails, or other records concerning statements by other students or staff members at Project Pierre Toussaint prior to December 23, 2010 concerning Mr. Perlitz or Father Carrier.
3. All reports, correspondence, memoranda, notes, emails, or other records concerning statements made by Cyrus Silbert.

This request calls for records you obtained or created from 2008 through December 23, 2010.

In order to assist you in locating relevant records, but without limiting the scope of this request, I provide the following background information. In *United States v. Perlitz*, Crim. A.

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No. 09-CR-207 (D. Conn.), the defendant, Douglas Perlitz, was sentenced for violation 18 U.S.C. § 2423(b). I understand that Special Agent Rod Khattabi was involved in the investigation of Mr. Perlitz's crime.

To the best of my information and belief, the victims are neither citizens of the United States nor legal permanent residents. Although the victims' names are sealed in the Court's records, information I have reviewed in a related civil action leads me to believe that the victims included Noel Smith, Robens Pierre, Francilien Jean-Charles, Peterson Gedeus, Edier Dorsainvil, and Donald Cadet. The victims may also have included Fredelin Legrand, Luckson Mesidor, Thony Vall, Peterson Eugene, Benson Alcime, Fredlin Fils-Aime, James Mathieu, Denis Mesamour, Schoubert Hedouville, and Joseph Jean-Charles.

Please note that the persons named above as victims of Mr. Perlitz are plaintiffs in a civil action against my client and others who, by suing on a theory of negligent supervision of Mr. Perlitz and on other theories, have put their assertions of sexual abuse in issue. Moreover, through their lawyers, they have asked the judge in the criminal case against Mr. Perlitz to give my client and other defendants in the civil case access to videotaped statements that they made concerning their assertions of abuse in the criminal proceeding (I enclose a copy of the judge's order for your reference and refer you to the last paragraph of page 6 of that order). Therefore, I do not believe that any considerations of the personal privacy of the victims prevents disclosure of the requested records to me.

To the extent you contend that any portion of a record within the scope of this request need not be released to me under 5 U.S.C. § 552(b)(7) or any other exemption from disclosure, please produce all reasonably segregable portions of the record.

I agree to pay all costs incurred for search, duplication, and review of materials up to \$25. If you expect the costs of complying with this request to exceed that amount, would you please contact me by telephone or email.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Theodore J. Folkman', written over a horizontal line.

Theodore J. Folkman



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618484

cc: Timothy P. O'Neill, Esq.
Amanda M. Rettig, Esq.

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

DOUGLAS PERLITZ

Case No. 3:09CR207(JBA)

**PROTECTIVE ORDER REGARDING LIMITED DISSEMINATION OF MATERIALS
TO COUNSEL FOR VICTIMS OF DOUGLAS PERLITZ**

WHEREAS, Defendant Douglas Perlitz was convicted of violating 18 U.S.C. §2423(b), Travel With Intent To Engage In Illicit Sexual Conduct, and as this Court has been informed that many of the victims of childhood sexual abuse admittedly or allegedly perpetrated by Defendant Douglas Perlitz have filed or will be filing civil actions seeking damages from Defendant Douglas Perlitz, others who may have aided and abetted Defendant Douglas Perlitz, others who negligently supervised Defendant Douglas Perlitz, others who breached their fiduciary duties to the victims, or others who may otherwise be civilly liable for the harm caused by the sexually abusive conduct of Defendant Douglas Perlitz;

IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 3509(d)(3) and Rule 16(d) of the Federal Rules of Criminal Procedure, that this Court's Protective Order, entered on April 5, 2010, is amended to provide that copies of the video-taped statements of any child witness, or witness who provided statements about sexual abuse experienced when the witness was a child

◇ (because they identify the child witness and/or involve discussions of sexual abuse the witnesses allegedly suffered as children), may be provided to counsel for such witnesses;

IT IS FURTHER ORDERED THAT such witnesses in the presence of members of the witnesses' counsel's team (counsel, paralegals, investigators, experts, litigation support personnel and secretarial staff) may view the above referenced video-taped statements, but will not be provided to the witnesses and will remain at all times in the control and custody of witnesses' counsel and those individuals directly working on the witnesses' counsel team (paralegals, investigators, experts, litigation support personnel and secretarial staff);

IT IS FURTHER ORDERED THAT, except as permitted by Federal Rule of Criminal Procedure 6(e), this Order, applicable Federal Rules of Civil Procedure, or other court order, witnesses' counsel shall not disclose any videotapes or transcripts or the contents thereof, except that, for the sole purposes of preparing civil pleadings, motions, memoranda, or affidavits to be filed in civil actions seeking damages for the harm caused by the admitted or alleged sexually abusive conduct of Defendant Douglas Perlitz or preparing for civil trials in such actions:

a. witnesses' counsel may show video-tapes and transcripts to a witness who has filed a civil claim seeking damages arising from childhood sexual abuse admittedly or allegedly perpetrated by Defendant Douglas Perlitz;

◇

b. witnesses' counsel can show any prospective witness his/her own video-tape or transcript, but may not show these materials to any other witness (except as provided in paragraphs (a) and (d);

c. witnesses' counsel may provide any prospective witness with a copy of his or her own testimony;

d. witnesses' counsel may permit secretaries, clerical workers, paralegals, investigators hired by witnesses' counsel, and experts retained to assist in the preparation for trial of any civil action seeking damages for the harm caused by the admitted or alleged sexually abusive conduct of Defendant Douglas Perlitz to view the video-tapes and transcripts solely for the purpose of assisting witnesses' counsel to prepare for trial of any civil action seeking damages for the harm caused by the admitted or alleged sexually abusive conduct of Defendant Douglas Perlitz.

IT IS FURTHER ORDERED THAT, each witness or potential witness to whom video-tapes or transcripts have been shown or their contents disclosed pursuant to this Order, shall not discuss with or disclose the contents thereof to anyone other than (a) members of the witnesses' counsel, team (counsel, paralegals, investigators, litigation support personnel, investigators hired by witnesses' counsel, or secretarial staff) who disclosed such materials or (b) the witness's counsel, who shall not be permitted to further disclose such material;

◇ IT IS FURTHER ORDERED THAT witnesses' counsel shall take appropriate measures to ensure that each person to whom the witnesses' counsel discloses material covered by this Order, including representatives and employees of witnesses' counsel, is provided with a copy of this protective order and understands the limited purpose for which the material is being disclosed and the prohibition against further dissemination;

IT IS FURTHER ORDERED THAT any notes or recorded notations of any kind that witnesses' counsel, their secretaries, clerical workers, paralegals, investigators, or experts may make relating to the contents of the video-tapes or transcripts shall not be shown to anyone except their own client, and then only for the sole purpose of litigating the filed civil actions seeking damages arising from the admitted or alleged childhood sexual abuse perpetrated by Defendant Douglas Perlitz, and all members of the witnesses' counsel team shall maintain the confidentiality of these materials pursuant to the terms of this Order after the referenced civil actions are disposed of by trial, appeal, if any, or other resolution of the referenced civil actions;

IT IS FURTHER ORDERED THAT all video-tapes and transcripts disclosed pursuant to this Order and all copies thereof shall either be promptly destroyed or returned to the government after the referenced civil actions are disposed of by final, non-appealable judgments or other resolution of the referenced civil actions;

◇

◇ IT IS FURTHER ORDERED THAT, in the event the terms of this Order are violated, witnesses' counsel shall advise the court immediately of the nature and circumstances of such violation;

IT IS FURTHER ORDERED THAT nothing contained in this Order shall restrict or prevent any party from citing, quoting or using any materials in civil pleadings, motions, memoranda, or affidavits filed in a civil action seeking damages for the harm caused by the admitted or alleged sexually abusive conduct of Defendant Douglas Perlitz, or citing, quoting or using any materials at a civil trial to the extent otherwise permitted by law, provided such filings are made under seal where appropriate;

IT IS FURTHER ORDERED THAT nothing in this Order shall preclude the government, the defendant, or the witnesses from seeking a further protective order pursuant to Rule 16(d) as to particular items of discovery material;

IT IS FURTHER ORDERED THAT nothing herein shall impose any restrictions on the use or disclosure by a witness of information or materials legally obtained by such witness independent of the above referenced video-taped statements produced pursuant to this Order, whether or not such information or material is also contained in the above referenced video-taped statements or from disclosing his own confidential material as such witness deems appropriate;

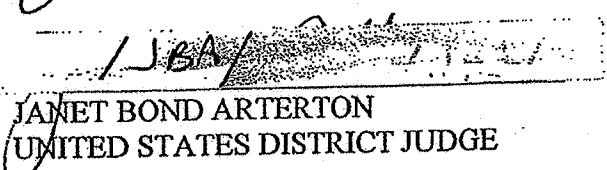
◇

IT IS FURTHER ORDERED THAT this Order is entered without prejudice to the government's, the defendant's, or the witnesses' right to seek a revision of the Order by appropriate motion to the Court;

IT IS FURTHER ORDERED THAT the provisions of this Court's Protective Order, entered on April 5, 2010, as to Defendant Perlitz remain in full force and effect and are not amended by this Order; e.g. Defendant Perlitz is not to be given copies of the video-taped statements of any child witness, or witness who provided statements about sexual abuse experienced when the witness was a child; and

FINALLY, IT IS ORDERED THAT after a witness files a civil action, the court in which the civil action is pending may issue an order to allow parties to that civil action to have access to the materials produced pursuant to this Order, provided the above protections and limits apply to all parties of said civil action.

SO ORDERED this 20th day of June, 2011, at New Haven, Connecticut.


JANET BOND ARTERTON
UNITED STATES DISTRICT JUDGE